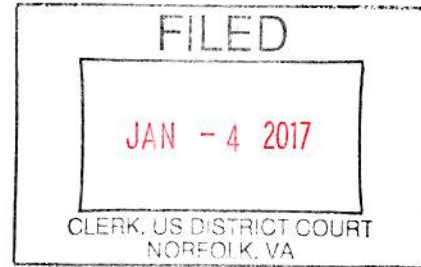


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RONALD HOLT (#21941-37),

Petitioner,

v.

ACTION NO. 2:15cv529

UNITED STATES PAROLE COMMISSION,

And

ERIC WILSON, Warden,

Respondents.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition raises an Ex Post Facto and due process challenge to the United States Parole Commission's ("Commission") decision denying Petitioner parole.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report of the Magistrate Judge was filed on November 21, 2016, recommending dismissal of the petition because Petitioner failed to allege any facts indicating the Commission exceeded its legal authority, acted unconstitutionally, or failed to follow its own regulations, and failed to state a claim that the Commission violated Holt's due process rights in denying him parole. (ECF No.

15).

By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. On December 8, 2016, the Court received Petitioner's Objections to the Magistrate Judge's Report and Recommendation (Document No. 16). The Respondents have filed no response to the Objections and the time for doing so has now expired.

The Court, having reviewed the record and examined the objections filed by the petitioner to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed November 21, 2016, and it is, therefore, ORDERED that the petition (ECF No. 1) be DENIED and DISMISSED and that judgment be entered in favor of the Respondents.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

Petitioner Holt has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See

Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and provide an electronic copy of the Final Order to counsel of record for Respondents.

/s/ 

MARK S. DAVIS
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

January 4, 2017